

**California Environmental Protection Agency (Cal/EPA)  
Environmental Justice (EJ) Action Plan**

**Proposed Working Definition for  
“Precautionary Approach”**

**Developed for Cal/EPA EJ Action Plan Pilot Projects**

**February 4, 2005**

---

*“Precautionary approach” means taking action to protect public health or the environment if a reasonable threat of serious harm exists based upon the best available science, even if absolute and undisputed scientific evidence is not available to assess the exact nature and extent of risk.*

---

The above statement is staff’s proposed working definition for “precautionary approach” to be used in the EJ pilot projects. We welcome public comments and suggestions to the proposed definition.

Phase 1 of Cal/EPA’s EJ Action Plan requires the development of a common, reasonable, and objective working definition for “precautionary approach” in an effort to explore practical applications of environmental strategies to effectively address environmental justice issues. The development of this working definition or “operational definition” will help provide the foundation for common understanding of the term “precautionary approach” throughout the implementation of Cal/EPA’s EJ pilot projects.

Cal/EPA staff held public workshops to solicit comments, recommendations and suggestions to develop a working definition of “precautionary approach” for use in implementing the EJ Action Plan. Public workshops were held on October 12, October 19, October 25, and November 8, 2004. Cal/EPA also held a public comment period (deadline January 3, 2005) to solicit additional input in the development of the working definition. Public comments were received from several different sectors, such as academia, community and environmental organizations, and business. All comments received were reviewed by Cal/EPA staff in the development of this working definition.

During the October and November workshops, Cal/EPA staff presented four examples of existing definitions of precautionary approaches to encourage public discussion and comments:

- United States (US) Commission on Ocean Policy, which defined precautionary approach as “... applying judicious and responsible management practices based on the best available science and on proactive, rather than reactive, policies. Where threats of serious or irreversible damage exist, lack of full scientific certainty shall not be used as a justification for postponing action to prevent environmental degradation”;

- United Nations' Rio Declaration, Principle 15 (available at <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>);
- City and County of San Francisco's Department of the Environment (available at [http://temp.sfgov.org/sfenvironment/aboutus/policy/legislation/precaution\\_principle.htm](http://temp.sfgov.org/sfenvironment/aboutus/policy/legislation/precaution_principle.htm)) and
- Government of Canada (available at [http://www.ec.gc.ca/econom/pp\\_e.htm](http://www.ec.gc.ca/econom/pp_e.htm)).

In developing the working definition, staff considered the above examples, as well as the Cal/EPA EJ Advisory Committee's September 30, 2003, Final Recommendations Report. Staff also considered public input from the workshops and comment period. A summary of comments received follows:

- "It is not necessary or appropriate to wait for actual, measurable harm to public health or the environment before evaluating alternatives that can prevent or minimize harm."
- "Precautionary approach means the application of judicious and responsible decision making based on the best available science and on the weighing of the level of scientific uncertainty and the recognition that the absence of full scientific uncertainty shall not be used as a reason for postponing decisions where there is a risk of serious or irreversible harm."
- "Rely on the best available science to prompt anticipatory action to protect public health and the environment given a reasonable threat of harm and in the absence of scientific certainty."
- "Ensure decisions are accurate, reliable, unbiased, and based on the best available and objective science."
- "Ensure an open and transparent public process."
- "Analyze cost effectiveness."
- "When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public, should bear the burden of proof."

Cal/EPA staff also reviewed the Health and Safety Code, section 39650 (e), which states: "That, while absolute and undisputed scientific evidence may not be available to determine the exact nature and extent of risk from toxic air contaminants, it is necessary to take action to protect public health."

Based on our review and consideration of all input, staff has developed the proposed working definition for "precautionary approach" for use in Cal/EPA's EJ Action Plan. Some of the terms within the proposed definition will require further clarification, such as "reasonable threat." At this time, we cannot confidently predict all the circumstances that will or will not constitute a "reasonable threat." Since the pilot projects have been proposed as a means of exploring the concepts of precautionary approach, we plan to use the implementation, review, and analysis of these projects to better define this and other key terms in the working definition.

This working definition will be refined and modified as Cal/EPA’s knowledge improves in exploring precautionary approach in Cal/EPA’s activities, policies, and programs.